

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

RON GOLAN, et al.,

Plaintiff,

v.

VERITAS ENTERTAINMENT, LLC, et al.,

Defendants.

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No. 4:14CV00069 ERW

**MEMORANDUM AND ORDER**

This matter comes before the Court on Defendants’ Motion to Set Notice Schedule [ECF No. 280].

On January 18, 2017, the Court granted Plaintiffs’ Motion for Class Certification. The Court certified the class pursuant to Federal Rule of Civil Procedure (“FRCP”) 23(b)(3). Since the Court’s granting of Plaintiffs’ Motion, Plaintiffs have failed to propose a notice plan. FRCP 23(c)(2)(B) requires “the best notice that is practicable” and sets out specific items which must be included in the notice for classes certified under (b)(3). Individual notice is a requirement for 23(b)(3). *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 176 (1974).

Plaintiffs suggest waiting until after the Court rules on the various summary judgment rulings to implement a notice plan. Plaintiffs suggest continuing the trial date, which is set for August 2017, to accomplish this. Defendants oppose the continuance of the trial date.

Summary judgment will not resolve all of the claims in this matter, because the parties have only filed for partial summary judgment. Therefore, the Court’s ruling on summary judgment will not erase the need for a trial in this matter. Further, the Court does not support a continuance of the trial date for a case which has already been pending since 2014. Additionally,

notice to the potential four million class members will take a significant amount of time.

Although the Court understands notice requires a significant outlay of funds for Plaintiffs, during class certification, Plaintiffs' counsel assured the Court it was financially able to send notice to the class members. Further delay of setting a notice plan will only result in compromising the rights of class members.

Accordingly,

**IT IS HEREBY ORDERED** that Motion to Set Notice Schedule [ECF No. 280] is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiffs shall file a notice plan no later than May 5, 2017. Defendants shall file a response no later than May 12, 2017, and any replies shall be filed no later than May 19, 2017.

Dated this 26th Day of April, 2017.



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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE